

Application No. 09/986,067  
Response dated June 3, 2004  
Reply to Office Action of March 26, 2004

### **REMARKS**

Claims 1-17 are pending in this application, of which claim 1 has been amended, and claims 5-12 have been withdrawn from further consideration. No new claims have been added.

(1) Claims 1-4 and 13-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Uchikawa et al., Japanese Pat. No. 2000-243392, in view of Linden, Handbook of Batteries.

At the Examiner's request, Applicants file a full translation of Uchikawa et al herewith.

As stated in the previous Applicant's remarks filed on December 3, 2003, Uchikawa et al. do not disclose using any ferrite as a positive active material, but disclose a starting material, ferrite, for producing a positive active material. See claims and paragraphs [0017] to [0024] of Uchikawa et al.

In paragraphs [0039] to [0079], Uchikawa et al. specifically disclose examples of the method for producing positive active materials using ferrites as a starting material, and also disclose  $\text{LiCoO}_2$  including Fe, which is used as a positive active material. Thus, the positive active materials obtained in accordance with Uchikawa et al. are no longer ferrite.

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(2) Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. in view of Linden, Handbook of Batteries.

Since claim 17 is dependent on claim 1, so the rejection of claim 17 is concurrently traversed.

(3) Although the finality of the Office Action was asserted because Applicant's amendment necessitated the new ground of rejection (page 2, lines 4-5 of the outstanding Office Action), the rejection was not a new ground necessitated by the applicants amendment. Applicants had not amended independent claim 1 in the previous Response. The rejection was maintained because the full translation of Uchikawa et al. was necessary. Reconsideration of the finality is respectfully requested.

(4) In view of the aforementioned amendments and accompanying remarks, Applicant submits that claims 1-4 and 13-17, as herein amended, are in condition for allowance. Applicants request such action at an early date.

The Examiner is requested to contact Applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. The

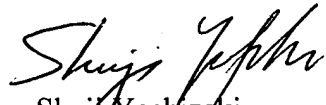
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limited recognition is attached.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

  
Shuji Yoshizaki  
Agent for Applicants  
Limited Recognition

Attachment: Verification of Translation (Japanese Pat. No. 2000-243392)  
Limited Recognition

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